

Exhibit E

LEVI HASTEY - August 18, 2020

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION

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2			
3	TIMOTHY W. REPASS AND)	
4	WILLIAM SCOTT MCCANDLESS,)	
5	INDIVIDUALLY AND ON)	
6	BEHALF OF ALL OTHERS)	
7	SIMILARLY SITUATED,)	CIVIL ACTION
8)	
9	Plaintiffs,)	NO. 7:18-CV-107-DC-RCG
10)	
11	VS.)	
12)	
13	TNT CRANE AND RIGGING,)	
14	INC.,)	
15)	
16	Defendant.)	

ORAL DEPOSITION OF

LEVI HASTEY

August 18, 2020

Volume 1

ORAL DEPOSITION OF LEVI HASTEY, Volume 1, produced as a witness at the instance of the Plaintiffs, and duly sworn, was taken in the above-styled and numbered cause on the 18th of August, 2020, from 1:43 p.m. to 3:22 p.m., before Julie A. Jordan, CSR, RPR, in and for the State of Texas, reported by machine shorthand via

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1 Zoom, at the offices of TNT Crane & Rigging,
2 9112 West County Road 127, Midland, Texas 79706,
3 pursuant to the Federal Rules of Civil Procedure and any
4 provisions stated on the record or attached hereto.

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1 we're -- if they're at a lodging that we provide,
2 they're getting paid there and back. But if they stay
3 in their own lodging, you know, the whole -- the whole
4 idea was to get them guys closer to the job. So if
5 they're staying in Midland and driving from their own
6 lodging, we're not going to pay travel unless the
7 customer pays -- you know, pays for it.

8 Q. So if the customer pays for it, you paid for
9 travel time regardless, is that true?

10 A. Yes, sir.

11 Q. And I don't mean you, Mr. Haste. I mean TNT,
12 you understand?

13 A. Yes, sir.

14 Q. And you said just a moment ago that the whole
15 idea behind the policy was getting these guys closer to
16 the job site.

17 It was a safety concern, correct?

18 A. Yes, sir.

19 Q. To your understanding, it had nothing to do
20 with whether or not the policy complied with TNT's
21 obligations under federal law to pay these guys for all
22 time worked, correct?

23 A. Say that again. Sorry.

24 Q. Yeah. To your understanding, this was a
25 safety policy. It didn't have anything to do with

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1 weren't set up to have that, you know, ability for them
2 to stay out there at that time. But we -- we gave the
3 ability to get hotels and stuff.

4 Q. So has the policy, in your mind, been about
5 the same since at least March of 2015 until today?

6 A. About the same, yes. The -- the only
7 difference is we -- we changed to man camps to where we
8 mandated that they stay out there within a 50-mile
9 radius.

10 Q. Are there any other changes between those two
11 policies, as far as you know?

12 A. I think the only other one was the 40-hour
13 guarantee, which didn't apply to our yard anyway, so...

14 Q. Can you tell me about that 40-hour guarantee?

15 A. We -- so to my knowledge, our yard has never
16 had a 40-hour guarantee. Like I said, I used to operate
17 cranes and came up through that cycle. None of our guys
18 ever worked 40 hours a week, so there was never a need
19 for it. So we just -- I think they just pulled it out
20 when they updated it.

21 Q. When you say none of your guys ever worked
22 40 hours a week, you say that because they work more
23 than 40 hours a week. Is that true?

24 A. Yes, sir.

25 Q. Now, getting back to this -- the travel time

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1 three hours back home and get up and drive three hours
2 back. So it was stay out there, get your rest, and go
3 to the job.

4 Q. So before y'all changed that policy, you knew
5 these guys were making these long trips out to Orla and
6 Pecos and those -- those towns out that direction,
7 right?

8 A. A few, yes. You know, that's why we had the
9 policy where you could -- we'd put them up in hotels out
10 there and, you know, we'd still pay you 35 and travel
11 time and all of that. But, yeah, some guys were just --
12 they didn't want to do it. So that's when we mandated
13 it.

14 Q. Did y'all undertake any kind of systematic
15 review before y'all decided to change this policy?

16 A. I -- I wasn't in -- in the -- in the process
17 of writing that policy, so I couldn't -- couldn't answer
18 that. I'm sure if we --

19 Q. And I think -- I violated our agreement. I'm
20 sorry.

21 A. No worries. I -- I know it -- from John's
22 desk it went to Antoy, HR, and then on up through that
23 way, that policy. That's -- that's the extent of
24 writing it I know.

25 Q. So you've anticipated my next question, which

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REPORTER'S CERTIFICATION
ORAL DEPOSITION OF
LEVI HASTEY
August 18, 2020
Volume 1
(REPORTED REMOTELY)

I, Julie A. Jordan, Certified Shorthand Reporter in
and for the State of Texas, hereby certify to the
following:

That the witness, LEVI HASTEY, was duly sworn by
the officer and that the transcript of the oral
deposition is a true record of the testimony given by
the witness;

That the original deposition was delivered to
Mr. Edmond S. Moreland, Jr.;

That a copy of this certificate was served on all
parties and/or the witness shown herein on 8/25/2020.

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1 That the amount of time used by each party at the
2 deposition is as follows:

3 EDMOND S. MORELAND, JR. - 01 HOUR(S):32 MINUTE(S)
4 G. MARK JODON - NONE

5 I further certify that pursuant to FRCP Rule 30 (f)
6 (1) that the signature of the deponent:

7 XXXXX was requested by the deponent or a party
8 before the completion of the deposition and that the
9 signature is to be before any notary public and returned
10 within 30 days from date of receipt of the transcript.
11 If returned, the attached Changes and Signature Pages
12 contain any changes and reasons therefore:

13 _____ was not requested by the deponent or a party
14 before the completion of the deposition.

15 I further certify that I am neither counsel for,
16 related to, nor employed by any of the parties or
17 attorneys in the action in which this proceeding was
18 taken, and further that I am not financially or
19 otherwise interested in the outcome of the action.

20 Certified to by me this 25th of August, 2020.

Julie A. Jordan

21 Julie A. Jordan, Texas CSR 3203

22 Expiration Date: 1/31/22

23 Firm Registration No. 280

JULIE A. JORDAN & COMPANY

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1 COUNTY OF TRAVIS)

2 STATE OF TEXAS)

3
4 I hereby certify that the witness was notified on
5 8/25/2020 that the witness has 30 days
6 (or days per agreement of counsel) after being
7 notified by the officer that the transcript is available
8 for review by the witness and if there are changes in
9 the form or substance to be made, then the witness shall
10 sign a statement reciting such changes and the reasons
11 given by the witness for making them;

12 That the witness' signature ~~was~~ **was not** returned as
13 of 10/02/2020.

14 Subscribed and sworn to on this 2nd day of
15 October, 2020.

16
17 *Julie A. Jordan*

18 Julie A. Jordan, Texas CSR 3203
19 Expiration Date: 1/31/22
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